



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 39 (TENNESSEE) 700 MHZ REGIONAL PLAN AMENDMENT

PS Docket No. 06-229 and WT Docket No. 02-378

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) approves the amended 700 MHz regional plan submitted by the Region 39 (Tennessee)¹ 700 MHz Regional Planning Committee (RPC) for General Use² spectrum in the 769-775/799-805 MHz band.³ Region 39's Plan was originally approved in June 2006.⁴

On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁵ The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

In revising the band plan for the public safety 700 MHz band, the Commission noted that consolidating the narrowband channels in the upper part of the band will impact approved and pending 700 MHz RPC plans. Accordingly, the Commission required RPCs with approved plans or plans on file to submit amended plans consistent with the decisions adopted in the *Second Report and Order* by

¹ The Region 39 (Tennessee) 700 MHz regional planning area encompasses the entire state of Tennessee, consisting of ninety-five counties.

² General Use spectrum is administered by RPCs and licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

³ See Letter from John Johnson, Region 39 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 96-86, PS Docket No. 06-229 (filed Jan. 31, 2008) (Plan Amendment).

⁴ See Wireless Telecommunications Bureau Approves Region 39 (Tennessee) 700 MHz Regional Plan, WT Docket No. 02-378, *Public Notice*, 21 FCC Rcd 6913 (2006).

⁵ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

November 23, 2007.⁶ On November 9, 2007, the Bureau extended the deadline for RPCs to submit amended plans, consistent with the decisions adopted in the *Second Report and Order*, to January 31, 2008, and provided additional guidance for the development of plan amendments.⁷

On January 31, 2008, the Region 39 (Tennessee) 700 MHz RPC filed an amendment to:

- Revise Plan Section 1, General Information, by adding the revised 700 MHz Band Plan for Public Safety Services spectrum chart.⁸
- Delete Plan Section 3.5 Wideband Data, and insert instructions for entities desiring implementation of either wideband or broadband data systems, to contact the Public Safety Broadband Licensee as set forth in the *Second Report and Order*.⁹
- Amend the General Use Channel Allocations.¹⁰
- Modify the Region 39 Bylaws as follows:
 - Clarify Section 3.4 Chairman and Vice Chairman (additional duties)
 - Add Section 3.7.1 Committees (creating three Standing Committees: Technical/Implementation; Interoperability; and Education Outreach); and
 - Add Section 3.7.2 Executive Board (comprised of Chair, Vice-Chair and Chairs of the three Standing Committees).¹¹

The Region 39 RPC coordinated the Plan Amendment and obtained letters of concurrence from all eight regions adjacent to Region 39: Region 1 (Alabama), Region 4 (Arkansas), Region 10 (Georgia), Region 17 (Kentucky), Region 23 (Mississippi), Region 24 (Missouri), Region 31 (North Carolina), and Region 42 (Virginia), as well as two non-adjacent regions: Region 44 (West Virginia) and Region 37 (South Carolina).¹²

⁶ As of the adoption date of the *Second Report and Order*, the following regional plans had been approved: Region 5 (Southern California), Region 19 (New England), Region 24 (Missouri), Region 22 (Minnesota), Region 12 (Idaho), Region 39 (Tennessee), Region 43 (Washington), Region 41 (Utah), Region 3 (Arizona), and Region 40 (Northern Texas). The following regional plans were pending as of the adoption date of the *Second Report and Order*: Region 1 (Alabama), Region 27 (Nevada), Region 45 (Wisconsin), Region 7 (Colorado), Region 9 (Florida), Region 16 (Kansas), and Region 20 (Northern Virginia, Maryland and the District of Columbia).

⁷ See Public Safety and Homeland Security Bureau Announces an Extension of the Deadline for 700 MHz Regional Planning Committees to Amend 700 MHz Narrowband Plans from November 23, 2007 to January 31, 2008, PS Docket No. 06-229, WT Docket No. 96-86, *Public Notice*, 22 FCC Rcd 19461 (PSHSB 2007).

⁸ See Plan Section 1 - General Information (stating that its Plan amendment aligns the Region 39 700 MHz RPC Plan with the Commission's *Second Report and Order*).

⁹ See Plan Section 3.5 Wideband Data. In approving the Plan, we interpret this element of the Plan to be intended to conform with all requirements of the Commission's *Second Report and Order*, including the *Second Report and Order* directives regarding permissible wideband and broadband uses.

¹⁰ See Plan Appendix G – Channel Allotments by Class.

¹¹ See Plan Appendix A – Bylaws of the 700 MHz Regional Planning Committee.

¹² See Plan Amendment at pages 111-120 (copies of letter of concurrence from adjacent regions); see also 47 C.F.R. § 90.527(a)(5) (requiring each regional planning committee to provide an explanation of how its plan has been coordinated with adjacent regions).

On March 12, 2008, the Bureau solicited public comment on the Region 39 Plan Amendment.¹³ We received no comments. We have reviewed the Region 39 Plan Amendment, and conclude, based on the information before us, that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 39 (Tennessee) 700 MHz Public Safety Plan Amendment is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Deputy Chief, Public Safety and Homeland Security Bureau.

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¹³ See Comments Invited on Region 39 (Tennessee) 700 MHz Plan Amendment, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice*, 23 FCC Rcd 4020 (PSHSB 2008). Comments were due April 2, 2008, and reply comments were due April 14, 2008.